ML

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,540	10/24/2003	Dany Sylvain	7000-271	2301

27820 7590 08/24/2006

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER	
PHUONG, DAI	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/693,540	SYLVAIN, DANY	
	Examiner	Art Unit	
	Dai A. Phuong	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 06/13/2006, with respect to claims 1-28 have been fully considered but they are not persuasive. New claims 29-32 have been added in Response to Amendment filed on 06/13/2006. Therefore, claims 29-32 have been considered but are moot in view of the new ground(s) of rejection. Claims 1-32 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cardina et al. (U.S. 6411802).

Regarding claim 1, Cardina et al. et al. disclose a method for transitioning a call with a dual mode mobile terminal 102 from a wireline network 100 and/or 108 to a wireless network 110 (fig. 1, col. 10, line 1 to col. 12, line 41 and col. 12, lines 13-41), wherein the mobile terminal is provided with a primary directory number associated with the wireline network (col. 9, lines 1-67), the method comprising:

a) receiving a request for a temporary directory number (col. 17, line 51 to col. 18, line 30), which has been temporarily assigned to the telephone station by the wireless network (fig. 1, col. 9, lines 1-65);

b) accessing the temporary directory number (fig. 1, col. 9, lines 1-65 and col. 17, line 51 to col. 18, line 30); and

c) providing the temporary directory number to allow a wireless connection to be established with the telephone station via the wireless network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 2, Cardina et al. disclose all the limitation in claim 1. Further, Cardina et al. disclose the method wherein an initial connection for the call is established through the wireline network via a terminal adaptor (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 3, Cardina et al. disclose all the limitation in claim 2. Further, Cardina et al. disclose the method wherein the request is received from the terminal adaptor and the temporary directory number is provided to the terminal adaptor (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 4, Cardina et al. disclose all the limitation in claim 3. Further, Cardina et al. disclose the method wherein the terminal adaptor initiates establishment of the wireless connection and transfer of the call from a wireline connection to the wireless connection (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 5, Cardina et al. disclose all the limitation in claim 4. Further, Cardina et al. disclose the method wherein the terminal adaptor, is coupled to a wireline switch in the wireline network and the terminal adaptor initiates establishment of the wireless connection by sending a request to the wireline switch to establish a connection to the mobile terminal via the wireless network using the temporary directory number and wherein the transfer of the call from

the wireline connection to the wireless connection is effected by the wireline switch (col. 15, line 66 to col. 20, line 12).

Regarding claim 6, Cardina et al. disclose all the limitation in claim 1. Further, Cardina et al. disclose the method wherein the temporary directory number is accessed from the wireless network (col. 9, line 28 to col. 10, line 65).

Regarding claim 7, Cardina et al. disclose all the limitation in claim 6. Further, Cardina et al. disclose the method wherein the temporary directory number is accessed via a home location register associated with the wireline network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 8, Cardina et al. disclose all the limitation in claim 7. Further, Cardina et al. disclose the method wherein the home location register accesses the temporary directory number from a visiting location register associated with the wireless network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 9, Cardina et al. disclose all the limitation in claim 9. Further, Cardina et al. disclose the method wherein the visiting location register accesses the temporary directory number from a wireless switch, which facilitates the wireless connection with the mobile terminal (col. 9, line 28 to col. 10, line 65).

Regarding claim 10, Cardina et al. disclose all the limitation in claim 2. Further, Cardina et al. disclose the method wherein the mobile terminal registers with the wireless network while being served by the wireline network (fig. 1, col. 11, lines 10 to col. 12, lines 63).

Regarding claim 11, Cardina et al. disclose all the limitation in claim 10. Further, Cardina et al. disclose the method wherein the mobile terminal registers with the wireless network while a connection is established via the wireline network (fig. 1, col. 11, lines 10 to col. 12, lines 63).

Regarding claim 12, Cardina et al. disclose all the limitation in claim 10. Further, Cardina et al. disclose the method wherein the mobile terminal registers with the wireless network prior to a connection being established via the wireline network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 13, Cardina et al. disclose all the limitation in claim 10. Further, Cardina et al. disclose the method wherein the mobile terminal registers with the wireless network prior to transitioning to the wireless connection (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 14, Cardina et al. disclose all the limitation in claim 1. Further, Cardina et al. disclose the method further comprising: a) establishing a wireline connection via the wireline network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30); b) establishing the wireless connection via the wireless network (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30); and c) transferring the call with the mobile terminal from the wireline connection to the wireless connection (fig. 1, col. 9, lines 1 to col. 10, lines 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 15, Cardina et al. disclose a system for transitioning a call with a dual mode mobile terminal 102 from a wireline network 100 and/or108 to a wireless network 110 (fig. 1, col. 10, line 1 to col. 12, line 41), wherein the mobile terminal 102 is provided with a primary directory number associated with the wireline network (col. 9, lines 1-67), the system comprising:

a) a communication interface (fig. 1, col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30); and

b) a control system associated with the communication interface (fig. 1, col. 8, line 58 to col. 9, line 65 and col. 17, line 51 to col. 18, line 30) and adapted to:

i) receive a request for a temporary directory number (col. 17, line 51 to col. 18, line 30), which has been temporarily assigned to the mobile terminal by the wireless network (col. 9, line 28 to col. 10, line 65);

ii) retrieve the temporary directory number (col. 9, line 28 to col. 10, line 65 and col. 17, line 51 to col. 18, line 30); and

iii) provide the temporary directory number to allow a wireless connection to be established with the mobile terminal via the wireless network (fig. 1, col. 9, line 28 to col. 10, line 65 and col. 11, lines 10 to col. 12, lines 63 and col. 17, line 51 to col. 18, line 30).

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 24, Cardina et al. disclose all the limitation in claim 16. Further, Cardina et al. disclose the system wherein the mobile terminal registers with the wireless network while being served by the wireline network and the temporary directory number is generated in response to the mobile terminal registering with the wireless network (col. 9, line 28 to col. 10, line 65 and col. 11, lines 10 to col. 12, lines 63).

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 11.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 12.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 13.

Regarding claim 28, Cardina et al. disclose all the limitation in claim 15. Further, Cardina et al. disclose the system further comprising a wireline switch adapted to: a) establish a wireline connection with a terminal adapter (fig. 1, col. 9, lines 1-65); b) initiate a call to the mobile terminal using the temporary directory number to establish the wireless connection via the wireless network (col. 9, line 28 to col. 10, line 65 and col. 11, lines 10 to col. 12, lines 63); and c) transfer the first call with the mobile terminal from the wireline connection to the wireless connection (col. 9, line 28 to col. 10, line 65 and col. 11, lines 10 to col. 12, lines 63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cardina et al. (U.S. 6411802) in view of Aretz et al. (U.S. 6766170).

Regarding claim 29, Cardina et al. disclose all the limitation in claim 1. However, Cardina et al. do not disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a bit error rate associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold.

In the same field of endeavor, Aretz et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a bit error rate associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3 lines 18-33 and col. 4, lines 45-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the backup device 102 by specifically including the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a bit error rate associated

with communications with the mobile terminal via a local wireless interface surpassing a defined threshold, as taught by Aretz et al., the motivation being in order to switch independently between both network or switch on request by the mobile terminal. A further advantage of the method represented lies in the fact that the intermediate station is only connected to the GSM/UMTS base stations via an air interface and only simulates a mobile terminal with respect to this base station. In this manner, the remaining network infrastructure remains completely free of reactions as a result of which a corresponding method also can be integrated without extra cost to the operators of the mobile radio networks.

6. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardina et al. (U.S. 6411802) in view of Bell (U.S. 6445921).

Regarding claim 30, Cardina et al. disclose all the limitation in claim 1. However, Cardina et al. do not disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a degradation in quality associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold.

In the same field of endeavor, Aretz et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a degradation in quality associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 31 to col. 6, line 58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the backup device 102 by specifically including the method

further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a degradation in quality associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold, as taught by Aretz et al., the motivation being in order to switch independently between both network or switch on request by the mobile terminal. A further advantage of the method represented lies in the fact that the intermediate station is only connected to the GSM/UMTS base stations via an air interface and only simulates a mobile terminal with respect to this base station. In this manner, the remaining network infrastructure remains completely free of reactions as a result of which a corresponding method also can be integrated without extra cost to the operators of the mobile radio networks.

Regarding claim 31, Cardina et al. disclose all the limitation in claim 1. However, Cardina et al. do not disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting an inability to communicate with the mobile terminal via a local wireless interface surpassing a defined threshold.

In the same field of endeavor, Aretz et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting an inability to communicate with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 31 to col. 6, line 58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the backup device 102 by specifically including the method

further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by an inability to communicate with the mobile terminal via a local wireless interface surpassing a defined threshold, as taught by Aretz et al., the motivation being in order to switch independently between both network or switch on request by the mobile terminal. A further advantage of the method represented lies in the fact that the intermediate station is only connected to the GSM/UMTS base stations via an air interface and only simulates a mobile terminal with respect to this base station. In this manner, the remaining network infrastructure remains completely free of reactions as a result of which a corresponding method also can be integrated without extra cost to the operators of the mobile radio networks.

Regarding claim 32, Cardina et al. disclose all the limitation in claim 1. However, Cardina et al. do not disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a decrease in signal strength associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold.

In the same field of endeavor, Aretz et al. disclose the method further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a decrease in signal strength associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold (col. 3, line 31 to col. 6, line 58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the backup device 102 by specifically including the method

further comprising the mobile terminal moving out of a wireless communication zone in which communications with thee mobile terminal are possible by detecting a decrease in signal strength associated with communications with the mobile terminal via a local wireless interface surpassing a defined threshold, as taught by Aretz et al., the motivation being in order to switch independently between both network or switch on request by the mobile terminal. A further advantage of the method represented lies in the fact that the intermediate station is only connected to the GSM/UMTS base stations via an air interface and only simulates a mobile terminal with respect to this base station. In this manner, the remaining network infrastructure remains completely free of reactions as a result of which a corresponding method also can be integrated without extra cost to the operators of the mobile radio networks.

Response to Argument

7. Applicant, on page 8 of his response, argues that Cardina is not directed to a dual mode mobile terminal system where a call may be transitioned from a cordless mode to a cellular mode during the call. However, the Examiner disagrees. First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a dual mode mobile terminal system where a call may be transitioned ***from a cordless mode to a cellular mode*** during the call) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, Cardina et al. et al. disclose a dual mode mobile terminal 102 system where a call may be transitioned from a wireline network 100 and/or 108 to

a wireless network 110. The applicant's attention is directed to the disclosure of the reference Cardina et al., at column 17, lines 13 to 41.

Applicant, on page 8 of his response, argues that Cardina does not teach or suggest providing a temporary number "during the call" to allow a wireless connection to be established with the dual mode mobile terminal via the wireless network. However, the Examiner disagrees. First of all, Cardina discloses a MTSO 110 connects to a ***home location register (HLR) 112***. The HLR 112 is a location register where ***user identities and other user information*** can be stored in and retrieved from a database of user records. ***Information such as directory numbers***, user profiles, locations, and validation period can be stored in the HLR 112. The HLR 112 and the MTSO 110 can be located at the same site or at remote points (fig. 1, col. 9, lines 16-67). Second, to make a communication with other users, a wireless communication device 206 transmits a message to the mobile telephone switching office (MTSO) 110. The message can contain customer location information, ***the directory number*** of the customer premises equipment 106, and ***the directory number*** of the wireless communication device 206. Once, the MTSO 110 received the message from the wireless communication device 206, the MTSO 110 retrieves the directory number for the wireless device 206 from the ***home location register (HLR) 112***. The home location register (HLR) 112 provides the temporary directory number to the mobile telephone switching office (MTSO) 110 (during the call). The MTSO 110 uses the directory number of the wireless device 206 register and/or authenticate with a wireless communication network. When a successful registration and/or authentication are completed, the wireless communication network authorizes the wireless communication device 206 to

communicate. The applicant's attention is directed to the disclosure of the reference Cardina et al., at column 17, line 37 to column 18, line 30.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 08-15-2006

ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER